

5:10-HC-2045-D

Respondents.

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## ORDER

The first of these motions (D.E. 25) relates to petitioner's Application to Proceed without Prepayment of Fees and Affidavit ("application") (D.E. 19) under 28 U.S.C. § 1915 and Rule 24 of the Federal Rules of Appellate Procedure, which he filed on 18 April 2011. On 16 May 2011, the court denied petitioner's application on the grounds that he had failed to file a signed and dated statement of the issues that he intends to present on appeal as directed by the court in an earlier order to particularize (D.E. 20) entered 25 April 2011. On 1 June 2011, the court denied (D.E. 24) petitioner's subsequent motion to amend the application because, again, no statement of the issues was included with the motion or appeared elsewhere in the record. In petitioner's instant motion, he appears to be requesting this court's reconsideration of its 1 June 2011 order and seeks copies of all documents filed in this case. With respect to his request for reconsideration, this motion again fails to include the signed statement of issues that he was directed to file, and, therefore, it is DENIED. Regarding petitioner's request for a copy of the documents filed in this case, petitioner

must make such request by letter to the Clerk's Office and tender the cost of the requested copies at a rate of 50¢ per page. Accordingly, petitioner's request for records is DENIED WITHOUT PREJUDICE to his right to make an appropriate request to the Clerk's Office. In sum, this motion (D.E. 25) is DENIED IN PART and DENIED WITHOUT PREJUDICE IN PART.

In the motion titled "Request to File Additional Issues on Appeal" (D.E. 26), petitioner appears to be requesting that this court grant him permission to raise additional issues in the appeal that is currently pending before the Fourth Circuit Court of Appeals. However, a notice of appeal generally divests the district court of jurisdiction over the case with respect to the issues that are being reviewed on appeal. *See Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) ("The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal."), *superseded on other grounds by*, Fed. R. App. P. 4(a)(4). Petitioner's notice of appeal in this case was filed on 2 March 2011 (D.E. 16), and his appeal is currently pending before the Court of Appeals. Consequently, the court has no jurisdiction over petitioner's request to add issues to his appeal, and this motion (D.E. 26) is DENIED.

SO ORDERED, this, the 12th day of July 2011.

  
James E. Gates  
United States Magistrate Judge